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10/091,248	03/05/2002	Maria Rene Ebling	YOR920010659US1	6737

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EXAMINER	
AU, SCOTT D	

ART UNIT	PAPER NUMBER
2635	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/091,248	Applicant(s) EBLING ET AL.	
	Examiner Scott Au	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-27 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 06 May 2002 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The application of Ebling et al. for a "Method and apparatus for providing dynamic user alert" filed March 5, 2002 has been examined.

Claims 1-27 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10-12, 17, 20-21, 23-24 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Motohashi (US# 5,815,081).

Referring to claims 1 and 11-12, Motohashi discloses a method of providing a dynamic alert indication to a user of a signal receiving device, the method comprising the steps of (col. 1 lines 64-67; see Figure 1):

transmitting a signal from a signal transmitting device to a signal receiving device (col. 2 lines 36-44; see Figure 1);

processing the signal to determine at least one mode to be associated with an alert indication, wherein the processing step includes the step of accessing a look-up table containing information associated with a user of the signal receiving device to

determine the at least one mode to be associated with the alert indication (col. 3 line 44 to col. 4 line 19; see Figures 1-4); and

receiving the signal from a signal transmitting device in the signal receiving device, wherein the signal alerts the user of the signal receiving device via the alert indication that the signal has been received by the signal receiving device (col. 3 line 44 to col. 4 line 19; see Figures 1-4).

Referring to claims 2-4, Motohashi discloses the method as recited in claim 1, wherein the mode of the alert indication is at least one of audible (24) (i.e. loudspeaker for produce melody ring tone) and non-audible (23,25) (i.e. LED, vibrator) (col. 3 line 22 to col. 4 line 20; see Figures 1 and 3-4).

Referring to claim 5, Motohashi discloses the method as recited in claim 1, wherein the mode of the alert indication is suggested by a sender of the signal (col. 1 lines 51-52).

Referring to claim 6, Motohashi discloses the method as recited in claim 1, wherein the accessing step occurs within the signal receiving device (col. 3 lines 44-57).

Referring to claim 10, Motohashi discloses the method as recited in claim 1, wherein the signal receiving device comprises one of a cellular telephone, personal digital assistant, and a pager (i.e. radio paging receiver) (col. 2 lines 36-44).

Referring to claim 17, Motohashi discloses a system for providing a dynamic user alert to a user of a communication device, the system comprising:

a transmitter (i.e. subscriber substations not shown) and a receiver (i.e. see Figure 1 for receiving section), the transmitter configured to transmit a signal to the receiver and the receiver configured to receive a signal from the transmitter (col. 2 lines 36-50; see Figure 1);

a look-up table containing information associated with the user of the receiver for determining a mode of the signal (col. 3 line 59 to col. 4 line 19; see Figures 3-4); and

a communication hub (11) (i.e. transmitting section configured to process the signal from the transmitter to the receiver, wherein upon receipt of the signal by the receiver, the receiver also receives an alert indication to inform the user of the receiver that the signal has been received (col. 2 lines 36-50).

Referring to claim 20, Motohashi discloses an apparatus for providing a dynamic alert indication to a user of a communication device, the apparatus comprising:

a processor (17) (i.e. CPU) for processing a signal from a transmitter to determine a mode of an alert indication (col. 3 lines 44-57; see Figure 1);

a look-up table containing information associated with the user of the communication device for determining the mode of the alert indication (col. 3 line 59 to col. 4 line 19; see Figures 3-4); and

a signal receiving device (12) (i.e. antenna) for receiving the signal, the signal receiving device having means (23,24,25) (i.e. LED, loudspeaker, Vibrator) for sending the alert indication to the user (col. 3 lines 22-43; see Figure 1).

Referring to claim 21, Motohashi discloses an apparatus of claim 20, wherein the look-up table is stored in the communication device (col. 3 lines 44-67).

Referring to claim 23, Motohashi discloses a method of providing a dynamic alert indication to a user of a signal receiving device, the method comprising the steps of:

processing a signal transmitted from a signal transmitting device associated with an environment within which the user of the signal receiving device is located, to determine at least one preferred mode of alert indication to be utilized by the signal receiving device while within the environment (col. 3 line 44 to col. 4 line 19; see Figures 1-4); and

alerting the user of the signal receiving device via the preferred mode of alert indication (col. 3 line 44 to col. 4 line 19; see Figures 1-4).

Referring to claim 24, Motohashi discloses a method of claim 23, wherein the preferred mode of alert indication comprises a non-audible (23,25) (i.e. LED, vibrator) mode of alert (col. 3 lines 23-42).

Referring to claim 26, Motohashi discloses a method of claim 23, wherein the processing step determines that no mode of alert indication may be utilized by the signal receiving device while within the environment (col. 4 lines 44-57).

Referring to claim 27, Motohashi discloses a method of claim 23, further comprising the step of blocking transmissions to and from the signal receiving device wherein a blocking instruction is determined during the processing step (col. 4 lines 44-57).

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Theimer et al. (US# 5,493,692).

Referring to claim 13, Theimer et al. disclose a method of sending a message and providing a dynamic alert indication therewith, the method comprising the steps of:

identifying a recipient of the message (col. 27 lines 60-62);

accessing a database to determine the recipient's alert indication preferences (col. 14 lines 43-48);

identifying a known user device associated with the recipient and identifying characteristics associated with the user device (col. 27, claim 1 and col. 28, claim 7);

determining the accessibility of the known user device (col. 11 lines 13-31);

selecting a transmitting device to transmit the message to the user device (col. 28 lines 53-55);

determining a method of alert indication based on the recipient's alert indication preferences (col. 14 line 62 to col. 15 line 4); and

transmitting the message and alert indication to the user device (col. 27, claim 1 and col. 28, claim 7).

Referring to claim 14, Theimer et al. disclose a method of claim 13, further comprising the step of determining whether the recipient of the message subscribes to a database system (100) (i.e. UserAgent) which records the recipient's alert indication preferences (col. 10 lines 8-21; see Figures 2-3).

Referring to claim 15, Theimer et al. disclose a method of claim 13, further comprising the step of transforming the message prior to transmitting the message (col. 27 and 28, claims 1 and 7).

Referring to claim 16, Theimer et al. disclose a method of claim 13, further comprising the step of determining the context of the recipient prior to transmitting the message (col. 9 lines 42-65 and col. 27 and 28, claims 1 and 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-9, 18-19, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi (US# 5,815,081) as applied to claims 1, 17 and 23 above, and further in view of Theimer et al. (US# 5,493,692).

Referring to claim 7, Motohashi discloses the method of claim 1. However, Motohashi did not explicitly disclose further comprising the step of evaluating the signal to determine its relative importance based on content of the signal.

In the same field of endeavor of paging system, Theimer et al. disclose the step of evaluating the signal to determine its relative importance based on content of the signal (col. 4 lines 33-42) before delivering the message.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the method of evaluating the signal to determine its relative importance based on content of the signal disclosed by Theimer et al. into paging paging system of Motohashi with the motivation for doing so would allow the transmitting section to evaluate the signal and select the alert indication before sending it to the paging receiver.

Referring to claim 8, Motohashi discloses the method of claim 1. Theimer et al. disclose wherein the step of determining a mode of an alert indication includes the step

of evaluating an environment that the user is in (col. 4 lines 7-43 and col. 9 lines 42-65).

Referring to claims 9 and 25, Motohashi discloses the method of claims 8 and 23. Theimer et al. disclose herein the environment that the user is in is a context service environment (col. 4 lines 7-43 and col. 9 lines 42-65).

Referring to claim 18, Motohashi discloses the method of claim 17. However, Motohashi did not explicitly disclose wherein the signal is a text message.

In the same field of endeavor of paging system, Theimer et al. disclose wherein the signal is a text message (col. 15 lines 18-21) request by remote prodcedure calls (RPC) to send the message X.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the text message of Theimer et al. into message part M (col. 2 lines 59-65) of Motohashi paging system with the motivation for doing so would allow a text message is delivered to a receiving pda system.

Referring to claim 19, Motohashi discloses the method of claim 17. Theimer et al. disclose wherein the communication hub is a service provider associated with a wireless communications company (col. 9 lines 42-67; see Figures 2-4).

Referring to claim 22, Motohashi discloses an apparatus of claim 20. However, Motohashi did not explicitly disclose wherein the look-up table is stored in service provider infrastructure.

In the same field of endeavor of paging system, Theimer et al. disclose wherein the look-up table is stored in service provider infrastructure (col. 9 line 42 to col. 10 line 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the UserAgent database of Theimer et al. into paging system of Motohashi because Motohashi teaches a radio signal is transmitted from the transmitting station from the subscriber substation with the motivation for doing would allow the user to select the type of alert indication according to the receiver's context and environmental.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hymel et al. (US# 5,790,045) disclose a method and apparatus for generating alerts in a messaging device.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-3906.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA

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